



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	1 November 2018
Licensing Ref No:	18/10770/LIPV - Premises Licence Variation
Title of Report:	Real Ale Ltd 4 Formosa Street London W9 1EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Little Venice
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: dgadd@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	13 September 2018		
<b>Applicant:</b>	Real Ale Ltd		
<b>Premises address:</b>	4 Formosa Street London W9 1EE	<b>Ward:</b>	Little Venice
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises currently operates as a pub/bar.		
<b>Variation description:</b>	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> <li>• To extend the closing time of the premises to 23:00 on Tuesday to Sunday; to 22:00 on Monday.</li> <li>• To extend the licensable hours for the sale by retail of alcohol to 22:30 on Tuesday to Sunday and to 21:30 on Monday for on sales, and to reduce the hours for the sale by retail of alcohol to 21:30 on Monday for off-sales.</li> <li>• To licence the outside area so as to include 3 tables and 6 chairs.</li> <li>• To remove conditions 16, 23 and 24 from the premises licence</li> </ul>		
<b>Premises licence history:</b>	The premises has been licensed since 2017 under premises licence 17/09346/LIPN. Full details of the premises licence history can be found at Appendix 3 of the report.		
<b>Applicant submissions:</b>	<p>On the application form, the applicant stated the following:</p> <p>“We do not wish to increase our existing capacity (20 seated customers not including staff), and will still be adhering to table service and the seated only drinking rule. For every additional patron outside we will be reserving a seat from our basement to ensure we remain within capacity. A menu containing a list of food options will be placed on each table as will free drinking water. Formosa Street has a number of licensed and non licensed premises with tables placed outside and we feel that allowing us to do likewise would enrich the street and add to the continental café style atmosphere of the area. We get many requests from our customers to operate some external seating, and being a highly specialist retailer we do not envisage our patrons creating any problems for residents. Indeed, we have had no official complaints from residents to the local authority, to our knowledge, in one year of trading. This small change will</p>		

	bring a big benefit to our business and make our shop more attractive to customers. We also wish to get the conditions 23 and 24 removed from our licence. We are currently unable to dispose of any rubbish on site due to these stipulations and we are transporting it back to Richmond to be disposed of. Environmental Health Officer, Maxwell, has assured us the potential to leave rubbish out for longer than 30 mins exists on Formosa Street, indeed, every other trader is allowed to leave their rubbish out overnight and for us to not be able to do is unfair, and makes recycling very difficult for us. The rubbish – cardboard bundles and red bin bags – maximum of 2 each a day will be left on the small bit of pavement that's an extension of the property, and will not stray onto adjoining properties or the pavement. It will be collected at 8am. The Council cannot collect rubbish later than this.”
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<b>1-B Current and proposed licensable activities, areas and hours</b>						
<b>Sale by Retail of Alcohol (On sales)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	12:00	21:00	12:00	21:30	Basement & Ground Floor	Basement & Ground Floor (including outside area of 3 tables and 6 chairs)
<b>Tuesday</b>	12:00	21:30	12:00	22:30		
<b>Wednesday</b>	12:00	21:30	12:00	22:30		
<b>Thursday</b>	12:00	21:30	12:00	22:30		
<b>Friday</b>	12:00	21:30	12:00	22:30		
<b>Saturday</b>	12:00	21:30	12:00	22:30		
<b>Sunday</b>	12:00	21:30	12:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> None					

<b>Sale by Retail of Alcohol (Off sales)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	22:00	12:00	21:30	Basement & Ground Floor	Basement & Ground Floor (including outside area of 3 tables and 6 chairs)
<b>Tuesday</b>	10:00	21:30	12:00	22:30		
<b>Wednesday</b>	10:00	21:30	12:00	22:30		
<b>Thursday</b>	10:00	21:30	12:00	22:30		
<b>Friday</b>	10:00	21:30	12:00	22:30		
<b>Saturday</b>	10:00	21:30	12:00	22:30		
<b>Sunday</b>	10:00	21:30	12:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> None					

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	21:30	12:00	22:00	Basement & Ground Floor	Basement & Ground Floor (including outside area of 3 tables and 6 chairs)
<b>Tuesday</b>	10:00	22:00	12:00	23:00		
<b>Wednesday</b>	10:00	22:00	12:00	23:00		
<b>Thursday</b>	10:00	22:00	12:00	23:00		
<b>Friday</b>	10:00	22:00	12:00	23:00		
<b>Saturday</b>	10:00	22:00	11:00	23:00		
<b>Sunday</b>	10:00	22:00	11:00	23:00		
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		None			No change	

1-C Layout alteration
<p>This variation seeks to include the outside area of the premises so as to include 3 tables and 6 chairs.</p> <p>No further layout alterations have been proposed as part of this variation application.</p>

1-D Conditions proposed to be removed		
<p>Condition 16:</p> <p>There shall be no tables and chairs placed outside the premises.</p>		
<p>Condition 23:</p> <p>All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p>		
<p>Condition 24:</p> <p>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.</p>		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	1 October 2018
<p>I refer to the application for the variation of the Premises Licence for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p><b>The licensee is seeking to vary their licence to permit:</b></p> <ol style="list-style-type: none"><li>1. Supply of alcohol for consumption on the premises on Tuesday – Sunday from 12:00 to 22:30 hours</li><li>2. Supply of alcohol for consumption on the premises on Monday from 12:00 to 21:30 hours</li><li>3. Opening hours on Tuesday - Sunday: 10:00 to 23:00 hours</li><li>4. Opening hours on Monday 10:00 to 22:00 hours</li><li>5. Placing 3 tables and 6 chairs outside - external seating</li><li>6. Remove condition 23 which reads <b>All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times</b></li><li>7. Remove condition 24 which reads <b>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day</b></li></ol> <p><b>Following consideration of the application in light of the above changes and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</b></p> <ol style="list-style-type: none"><li>1. No objection</li><li>2. No objection</li><li>3. No objection</li><li>4. No objection</li><li>5. Placing 3 tables and 6 chairs outside may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area</li><li>6. Removing condition 23 may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area</li></ol> <p>Removing condition 24 may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area.</p> <p>The request to place tables and chairs outside is inconsistent with condition 16 on the premises licence. This will be discussed further. Applicant did not propose any condition to demonstrate how the external seating for 6 persons will not increase the risk of public nuisance and how condition 18 would apply to the external seating area. Condition 20 require the external door to be kept closed after 21:00 hours.</p>	

Applicant will have to demonstrate how the external seating area will be managed after 21:00 hours.

Conditions 22 & 43 on the premises licence ref. 17/09346/LIPDPS read

*22- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.*

*43 - Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.*

Applicant will have to demonstrate how these 2 conditions will operate with external seating for 6 persons.

Applicant has expressed a difficulty in recycling waste due to conditions 23 & 24 yet silent on condition 25 which reads:

*No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day*

There is an opportunity for waste to be left longer than 30 minutes before collection time on Formosa Street but this is premised on the waste being presented in clear view at the edge of the premises. Applicant did not provide any information to demonstrate that this requirement shall be complied with.

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

<b>2-B Other Persons</b>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	23 September 2018
<b>Support/Objection:</b>	Support
I am writing in support of the Real Ale's proposed license variation for its premises on Formosa Street. The Real Ale has become a centre piece of the neighbourhood over the last year. They offer a great selection of beers and wines to take away and an excellent on site drinking experience as well. My wife and I have been frequent patrons of the Real Ale and have never seen it be source of rowdiness or excess noise. Granting the license variance will let them serve the neighbourhood even better than they already do.	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]

<b>Received:</b>	29 September 2018
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<b>Support/Objection:</b>	Objection
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I write to you as chairman of 21 Warrington Crescent Management Company (our residents organisation) and a long time resident at the same address. Our building sits at the junction of Formosa Street and Warrington Crescent. Our building is almost entirely owner occupied including families of four and a wide age range. We enjoy the amenities of Formosa Street, however, we also suffer from the evening noise on the Street. The stucco style and close proximity of our buildings enhances even small noises echoing sound. With decreased evening traffic, and around restaurant and licensed entity closing times, the sound of these conversations often seems amplified and makes it hard to sleep. Many of our residents, including school age children, have their bedrooms on the Warrington Crescent side of the building and we suffer from the existing restaurants and others late evening activities. THIS COMMENT IS AN OBJECTION to further extending alcohol service on Formosa Street and more late night outside table service.

An application was made for similar hours only recently and we objected. The licensee then offered the current hours and the Council accepted. Why should this now change?

We are grateful the Real Ale does not appear to have created more incidents, as they note in their application. Yet, in large part we have given up complaining about late night shouting and fights. Our last call to Westminster about noise received a response some two hours after our call. I noted a broken glass (pint or wine?) this morning on the corner of Formosa Street (at the corner closest to No. 2 Warrington Crescent). Such events and noise do not get reported for lack of resources and feasible replies from Westminster. The limited ability we have to control noise is through limiting hours, please do not allow us to lose that.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]

<b>Received:</b>	9 October 2018
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<b>Support/Objection:</b>	Objection
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I feel that permission to allow the tables to be placed in Formosa Street would be a mistake and set a precedent for the rest of the street. At present the restaurants serving food are allowed to have tables outside and this is acceptable because of their substantial food offering. I do not believe that Real Ale's premises are equipped to provide a similar food offering, and consequently the tables are likely to be used by people who are only interested in drinking. I believe that noise levels would rise significantly as a result in this narrow street much to the detriment of residents. Should this application be granted then I expect that most shops in Formosa Street would have tables and chairs in the street which would make using the pavement less easy and detract from the amenity of the area.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association</b>	[REDACTED]
<b>Received:</b>	9 October 2018
<b>Support/Objection:</b>	Objection
<p>I feel that granting permission to allow the tables to be placed outside 4 Formosa Street should be declined.</p> <p>This area is mainly residential &amp; should be allowed to remain so. I don't see any benefit to local residents in increasing the outdoor seating in a bar making this area in to a noisy open-air drinking court &amp; when there is more than adequate provision already. I believe that allowing the outdoor seating would result in a significant increase in noise levels in this narrow street much to the disadvantage of residents &amp; in a deterioration of the amenity of the area. This is a quiet residential area &amp; it is important that this is continued for the benefit of local residents. E.g. those with young families.</p> <p>I disagree with the extended hours requested on Sunday evenings. This is a quiet residential area near to a primary school where many people have to be up early for the start of the week due to work commitments &amp; their children attending school refreshed by a good night's sleep.</p> <p>There is already a lot of noise on closing time from other businesses &amp; any addition to this would be unwelcome.</p> <p>In addition there is already difficulty from some other businesses having tables placed outside their premises &amp; a number of times I have observed that their furniture has encroached further out on to the narrow pavement causing access / egress problems for those using the local shops e.g. those with young families, with mobility issues as well as residents without these concerns who are already navigating around other street furniture. Again this would detract from the amenity of the area.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association</b>	[REDACTED]
<b>Received:</b>	7 October 2018
<b>Support/Objection:</b>	Objection
<p><u>About Us</u>  Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).</p> <p>We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals as well as people who are not residents in this area. We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and</p>	



important rights of residents.

### Introduction

With that in mind, this application raises some issues which lead us to conclude that, if granted as applied for, it may harm the licensing objectives. We will be interested to see if any local residents who live in the vicinity of the premises make representations in respect of the application, as Formosa Street is primarily residential above ground floor level. We would ask that if the licensing authority is minded to grant the application, it should be with some extra conditions.

Our representation is made on the basis that the likely impact of the application, if granted, may be to harm the licensing objectives of prevention of public nuisance.

### The application

We note that the application seeks:

1. Increase terminal hour for Sale of alcohol from 9.30pm to 10.30pm on Tues-Sun inclusive.
2. Increase terminal hour for when the premises is open to the public from 9.30 to 10pm on Monday, and from 10pm to 11pm Tues-Sun.
3. Place 3 tables and 6 chairs outside the premises.
4. Remove conditions 23 and 24.

Although the proposed hours are still within core hours, the increase in the terminal hour could be of concern to some local residents.

### Reasons for representation

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area.

We made a relevant representation in respect of application re: 17/02715/LIPN, where we indicated that were that application to be food-led, we would probably be supportive, subject to appropriate safeguards. However, in relation to potential noise, crime and disorder, we were concerned at the proposal for on and off sales, with no provision for food. If it were food led, we would be more likely to regard this as a real asset, attracting more people to the stretch of street which we would like to see "kept alive". This is still our preliminary view, pending hearing if any residents have concerns.

There are residents who live in the vicinity of this part of Formosa Street, which is at this point a narrow street, with residential accommodation above first floor level on either side. In this short stretch, there are already one public house, while three "cafes" and three licensed restaurants all have table licences outside, and there is a newsagent with an off licence.

On the previous application, we also objected to the use of tables outside. This was in line with our earlier objections to the nearby public house having this facility. We do not wish to see customers drinking outside, due to the nuisance this would cause to residents of flats above. This remains our preliminary view. We do note however that the tables and chairs outside would not be used after 9pm, and this could be a potential way forward.

Finally, nearby residents have complained in the past about the level of external noise from the nearby pub, to the point where both WCC Licensing officers and the local ward Officer have regularly reminded the individual operators of the need to keep noise level down, much magnified because of the narrowness of the street, particularly in the warmer months.

We would like to iterate that we are supportive of any proposal which adds life to the street. However we regret that, in our view, the application as currently presented will fail to promote the licensing objectives.

Should there be a hearing, I hope to attend but if unable, will ask Richard Brown to represent us.

We therefore have the following concerns:

1. Terminal hour sale of alcohol as detailed above.
2. Closing time as detailed above.
3. Removal of conditions 23 and 24. We are not entirely sure of the rationale for this, and look forward to seeing the views of Environmental Health.

#### Conclusion

We are aware that applications are often amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

If a hearing takes place, we will endeavour to attend.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association</b>	[REDACTED]
<b>Received:</b>	10 October 2018
<b>Support/Objection:</b>	Objection

I am very concerned that this application has been made and the extend to which my home-life will suffer if it is granted.

I have lived at 4a Formosa St. since May 2008, and my partner and I raised our objections anonymously to the original 17/02715/LIPN licence application last year (see attached correspondence).

We objected to the original proposal that discribed a bar and retail operation, with proposed trading hours of up to 11pm, a proposed licence to play recorded music indoors, and the prospect of the noise that would enter our apartment internally, the noise and smoke that would enter our living room & bedroom windows (directly above the front of the premises), the nuisance, loss of privacy and security of customers congregating in our apartment's doorway, and the noise, nuisance, unsightly & unhygienic impact of the business's rubbish bags being left out (and collected) after closing time in front of our apartment and front door.

After conditions were set by the Met Police and Environmental Health to the original proposal, Real Ale later agreed to amend their application and business model to not operate as a bar / pub, to reduce the trading hours to up to 9:30pm, with no drinking outside, and the majority of drinkers located in the basement. They committed to limit when waste materials could be brought out onto the street for collection to no more than 30 minutes prior to being collected (and not between the hours 11pm & 8am) - in order to safeguard the interests of local residents.

This new application to vary the granted premises licence now aims to roll back on these agreements and erodes the conditions originally raised by the Met Police & Environmental Health, and the protections put in place by the Licensing committee to protect local residents:

They wish to push back the trading & opening hours by 1 hour. We are already disturbed each evening when the premises closes at around 10-10:30pm... that disturbance will be pushed back further into the night if the application is successful.

They wish to place 3 tables in front of the premises, and allow customers to smoke and drink at those tables. This frontage is very small, and will mean that the tables are backed right up to our entrance door. We already have to squeeze through the A-boards of Real Ale and the next door business to reach our front door (see attached image), and this plan will only restrict our entrance space even further. It will also push smokers towards our front door, as there will no longer be space in front Real Ale's entrance.

The noise of 6 seated drinkers, plus additional standing smokers outside Real Ale will severely increase the disturbance we experience living directly above this business. Our Livingroom & Bedroom windows are both directly above the store front, and we already experience noise and smoke entering our windows every evening (the awning has not protected us in this regard).

Rather than enriching the street, the addition of tables will further clutter this 60 meter strip of pavement which already suffers aesthetically from 4 other ground floor businesses that have table service offering drinks outside to customers, and 2 others that display their retail wares out onto the pavement. The pavement is too narrow for this use, and already walking down the street requires stepping into the road every time you need to pass someone, as there is no longer room for pushchairs, prams, neighbours stopping to chat to one another, dog walkers etc, and if this proposal is granted, I shall have to do this right up to my front door. Our home would become dominated by the business below us.

They wish to start leaving their rubbish outside the front of the premises through the night from closing time until it is collected in the morning (the Westminster trucks currently get here approx 10 - 10:30am to collect on the street). Again, this will add to the cluttered environment that has developed on the street / pavement, and impact on the quality of our home-life, as we shall be confronted with this rubbish each evening, and each morning as we come and go.

Real Ale have suggested that it would be 'unfair' not to allow them to leave their rubbish out overnight, as other businesses on the street do so, however, there is already an issue caused by the other businesses that leave their rubbish out all night - the bags are often left adjacent to the residential residences (so as not to impact on their own shop fronts), and the bags are often attacked by vermin which rip open the bags and discard the contents all across the pavement (see attached images). Over the last 6 months, a mouse problem on the street has also been developing, with at least 2 food/drink

retailers needing the services of pest controllers, and mice can be seen visibly running along the edges of the properties - the rubbish being left outside is only making this issue worse (see attached images of pest controllers).

Three of the businesses also arrange for their rubbish to be collected during the night... each of the 3 businesses have their rubbish collected separately, the first arriving around 12:30am and the last arriving around 3am. On this small street the noise of the trucks and the noise as they load the glass bottles onto the truck is deafening - I provided sound recordings with my original licence objection last year.

Also, as residents, we are not allowed to leave rubbish out on the street, and instead have to take it to the communal bins a block away. This protects the interests of the retailers on the streets, but it would be 'fair' if the businesses also had to protect the interests of the residents in this regard, and arrange to have all their rubbish collected in the manner Real Ale were required to follow by the original licence agreement.

Real Ale have also stated a desire to change the emphasis of their licence from being predominantly an off-licence, to one that allows the supply alcohol for consumption equally on and off premises. This would bring their business model back to the proposal that caused concerns to the Met Police, Environmental Health Team, and Licensing Sub Committee, and local residents.

As it is, the business resembles a bar / pub each evening, and appears to be taking far more each evening as a bar than it does in 'off premises' sales; and seems to contradict the conditions of their licence that states 'the sale of alcohol for consumption on the premises shall at all times be ancillary to the premises remaining a specialist craft beer retail shop (selling alcohol for consumption off the premises)'. Their promotional material also promotes the business as a bar, and their tasting events also don't appear to be private, exclusive and ticketed events, as claimed the original licence proposal (see attached image).

Also, Real Ale have not honoured their commitment to keep their customers from congregating in the resident's front door, in fact it is sometimes the staff that use that space to smoke and chat. We have complained several times (through our mutual landlord), and the situation has improved but staff and customers still smoke in our entrance. They also do not stop their customers from taking drinks outside, and drinks can often be seen outside (see attached image).

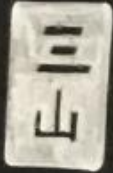
A great deal was made at the time of the original Licence hearing that the Twickenham branch of the business had the support of those living directly above it, but as it turned out these residents included the Manager of the Twickenham branch, and the Deputy Chairman of the company, so this information was somewhat misleading, and certainly not representative of our experiences above the Formosa St. branch. My partner and I have already felt the negative impact brought to our home-life since Real Ale started trading, but the disturbances we have experienced to-date are nothing compared to the impact granting this licence application will bring.

My partner is also now pregnant, and we are expecting our first child early next year, and so these concerns of ours are even more significant to us. With a baby in tow, we do not want our access to our front door to be obstructed by the customers, furniture and rubbish of the business downstairs. We do not want smoke and noise entering our apartment each evening from customers smoking and drinking directly below our living room and bedroom windows. We don't want our peace disturbed by any noise late into the evening emanating from the business downstairs, including the departure of customers, and the locking up of the premises (and so do not want to see the business

open even later into the night). If the licence is granted I believe the impact will force to find a new home elsewhere.

Given all of the above points, we object this application and request that the Licence Sub Committee do not roll back on the conditions originally placed on the Licence that protected local residents, such as ourselves.

In the 10 years that we have been tenants on Formosa St, we have seen the identity of the street shift from mainly furniture and antique retailers, to food and drink bars, cafes and restaurants. This shift in identity has seen the street suffer from cluttered pavements, an increase in vermin on the street, along with unsightly rubbish on the street, and disturbances every night from refuse collections, and frequently, loud boisterous drinkers and diners, who are not properly controlled by the businesses they are frequenting. There is argument that Westminster could be tightening up on these issues, in order to protect the retail / residential nature of the street; certainly I hope they do not add to the issues facing residents by granting this licence.



Three Hills  
BREWING

TASTING EVENT

FRIDAY 28<sup>th</sup> SEPTEMBER

NEW KEGS, CANS  
& BOTTLES

-FREE ENTRY → FROM 6.30 PM  
TO 9.30 PM ←

# PIZZA WEDNESDAYS

BUY ANY PINT AT REAL ALE  
IN CONJUNCTION WITH A PIZZA  
AT THE RED PEPPER AND  
SAVE 10% OFF BOTH  
THE BEER AND THE PIZZA!

EAT THE PIZZA AT REAL ALE!



OFFER ONLY  
AVAILABLE ON  
WEDNESDAYS

6PM - 9.30PM

OFFER ONLY VALID WITH A  
COUPON WHICH CAN BE PRESENTED  
AT THE RED PEPPER TO ENSURE THE  
COUNT IS GIVEN.

The  Red Pepper

  
**real ale**  
CRAFT BEER & WINE SPIRITS



COME IN AND  
SAY HI!

WE HAVE AN ON LICENSE  
APPROX 500 BEERS, 300  
WINES AND LOTS OF LOVELY  
BOOZE YOU CAN'T FIND  
IN THE SUPERMARKET!

CHEERS !

BEAVERTOWN  
BEAVERTOWN BEAVERTOWN  
BEAVERTOWN BEAVERTOWN





COME IN AND  
ENJOY  
CRAFT BEERS  
&  
WONDERFUL WINES

I REMEMBER!  
WE HAVE  
MORE SEATS  
IN OUR  
BASEMENT AREA





  
real ale

02072862244

WINE SPIRITS

4  
ABC

YOU CAN'T BUY  
HAPPINESS  
BUT YOU CAN BUY  
BEER!  
I had that 7 kids  
#BE THE ONE















On 9 April 2017 at 13:07, [REDACTED] <[REDACTED]> wrote:

Dear Miss Heidi Lawrance

We live in the flat directly above 4 Formosa Street, and, as we would be very directly and very personally affected if the license is granted, we would like to register our objections to it being granted.

We are concerned about the following:

**The evening trading hours (right up to 11pm most evenings), combined with a Licence to play music indoors.** It is unavoidable that this will have a disruptive impact on our home life, and our right to be able to relax and enjoy the peace of our home. This old building does not 'contain' sound well. The noise shall not end when closing time is reached... the bottles shall be put outside and shall be collected during the night.

**Customers congregating outside the premises by our front door, and right below our window.** As can be expected, customers will congregate outside to smoke, to talk, to arrive and leave – we shall suffer from a loss of privacy and security; the noise will be disruptive; the smoke shall be unpleasant, and pushing past people to get in and out of our home shall be a nuisance.

This stretch of Formosa Street between Castellain Rd and Warrington Crescent is no more than 60 meters in length, and yet it already has an Off-License (Dhigs), a large Pub (The Prince Alfred) with attached Restaurant (Formosa Dining Rooms), 2 other licensed Restaurants (Les Petits Gourmets & The Red Pepper), and 2 further restaurants without license – there is no need for another establishment to be granted a license - it is not what the area, and specifically, the residents of Formosa Street need. *See attached Formosa St map...*

The above premises combined already cause considerable disorder, disruption and nuisance to the residents of the street:

Already, the noise from patrons enjoying their drinks out of the street is often incredibly noisy, and impossible to shut out from our apartment. It is a quite common for our peace to be disrupted for most of the evening by the loud sounds of aggressive shouting, laughing, chanting, etc. *See attached sound recording 1 taken from our window recently...*

Already, each of these establishments stack their refuse bags of empty bottles out on the street throughout the evening, quite often stacked up against the entrances to the residential apartments above. The view we are confronted with approaching our street and our home is horrible, and the refuse attracts vermin and insects, etc towards our homes.

Already, The Prince Alfred, Les Petits Gourmets and The Red Pepper, have collections of their empty bottles etc after their trading hours. This means that even after 11pm the peace and sleep of the residents is disturbed again, as each seems to have a separate contractor engaged to collect their empty bottles. Between 12:30am and 2am, 3 large and noisy rubbish trucks separately drive into and down Formosa

St, and the bags of empty bottles are thrown onto the trucks. *See attached sound recording 2 taken from our window taken recently (not the best or loudest recording, but still illustrative)...*

I would argue that already this small residential street cannot handle the level of late evening / early morning noise disruption and nuisance. Granting another license to another premise is only going to exacerbate the problems, and it is the residents such as ourselves, in the apartments directly above that will suffer most of all and considerably.

Therefore we ask that Westminster Council reject the application for a license, and encourage a retailer to the premises that is less intrusive to the lives of the residents of the street, and will add more community value to the street – we don't need another pub / off-license.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home, do not hesitate to contact us.

Yours Sincerely,

████████████████████████████████████████

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████████████████████  
████████████████████

On 2 May 2017 at 10:20, Lawrance, Heidi: WCC <[hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk)> wrote:

Good morning [REDACTED]

Please see attached a letter from the applicants of Real Ale for your consideration.

I welcome your comments on this.

Kind Regards

Heidi

**Miss Heidi Lawrance**  
Senior Licensing Officer  
**Public Protection & Licensing**  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
Victoria  
London  
SW1E 5RS  
Tel: 020 7641 2751  
E-mail: [hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk)  
Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)

On Wed, 3 May 2017 at 23:21, [REDACTED] wrote:

Hi Heidi,

Thank you for sending this through, and for the details of the upcoming Licensing Sub-Committee Meeting. I have written below our response to this additional material - would we have to attend the Sub-Committee meeting for these views to be represented, or will this response be taken into consideration now that we have submitted it?

It is promising to see this movement, and the recognition of the issues we have raised. The changes listed, particularly the guarantees that no noise shall emanate from within the premises; no refuse will be placed / collected outside between the hours of 11pm-8am; and no tables & chairs placed outside the premises, would lessen some of the impact we would face.

However, it is our view that any business operating from the ground floor retail space should operate with the *minimum* impact on the residents living above, and with *zero* impact outside of traditional business hours.

If the business model remains to serve alcohol on the premises and remain open up to 10pm, we still have some objections and concerns.

**Customers congregating / smoking outside of the premises:**

This is a small building (see attached photo), and if drinkers are congregating outside of the premises they shall inevitably be standing around & in-front-of our front door, and beneath our bedroom and living room windows.

Entering our home shall invariably involve asking to get through to our door, and having to enter the property whilst surrounded by strangers. As well as being frustrating and awkward, it may also be a security risk and intimidating, particularly to the women who live within the property.

Opening our windows will expose us to the smoke and chatter coming from directly beneath, the exaggerated noise of drinkers coming and going, and the noise of the empty bottles being taken out (and collected?) between 10pm when the premises is due to close, and the 11pm noise curfew. Even with the windows closed, we hear everything from outside through our sash windows.

The limit to a 20 seated capacity would place the business on a par or even slightly larger in capacity to the other licensed premises, Les Petits Gourmets & The Red Pepper, both of which already cause more noise from their customers and operation than this small street can absorb (please note 28.04.17 sound recording attached, made early evening this last weekend). It is very telling that the first floor apartments above these other 2 licensed premises are currently unoccupied and being advertised.

We want to protect our right to be able to relax and enjoy our home without disturbance, and a change to the permissible use of the ground floor premises from A1 retail space to a licensed premises, we believe, will impact negatively upon us, and the other immediate tenants.

Yours Sincerely,

[Redacted signature]

-----  
[Redacted signature]

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

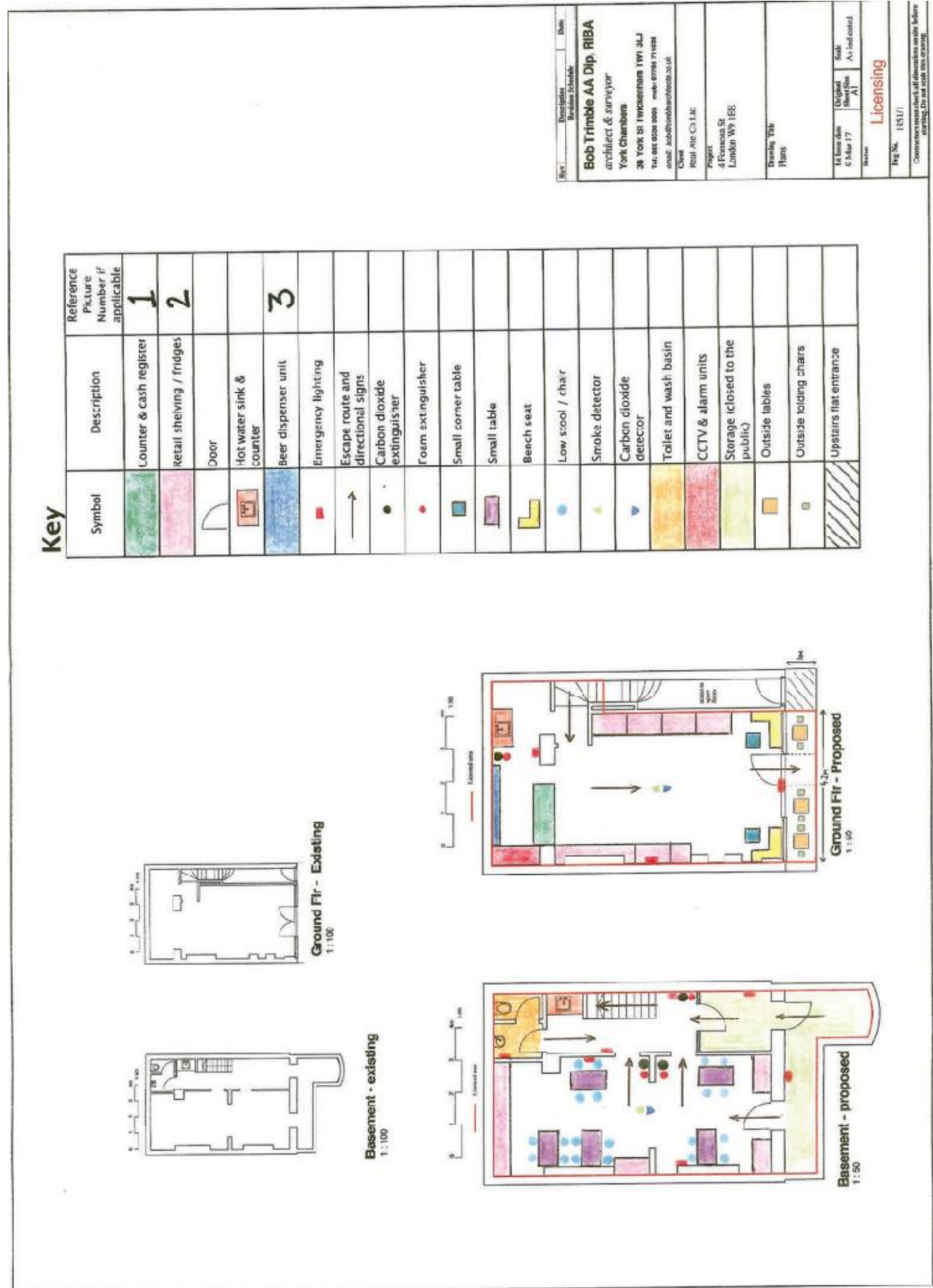
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Existing premises licence
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Daisy Gadd Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: dgadd@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Representation Environmental Health	1 October 2018
<b>5</b>	Representation interested party	23 September 2018
<b>6</b>	Representation interested party	29 September 2018
<b>7</b>	Representation interested party	9 October 2018
<b>8</b>	Representation interested party	9 October 2018
<b>9</b>	Representation interested party	10 October 2018
<b>10</b>	Representation Paddington Waterways & Maida Vale Society	7 October 2018



Article number 31-3010

# Cafe Set Folding Table and 2 Chairs

★★★★★ 4.7 (43 reviews)

**44.99**

(incl. VAT, ex. delivery)

- ☐ Enjoy a spell in the sun.
- ☐ Folding set in durable, weather-resistant acacia.
- ☐ Chair with pinch prevention lock.
- ☐ FSC labelled.

[» Read more](#)

Make your choice :

Quantity

1

**BUY**

Save to shopping list

Compare



View larger photo



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[Expert answers](#)

Brown oil finished acacia. Table: 45x45 cm, height: 73 cm. Chairs with safety catch, seat height: 45 cm.



**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
17/02715/LIPN	Application for a new premises licence.	11.05.2017	Granted by Licensing Sub-Committee
17/09346/LIPDPS	Application to vary the Designated Premises Supervisor.	06.09.2017	Granted under Delegated Authority

**There is no appeal history**



**City of Westminster**

Schedule 12  
Part A

WARD: Little Venice  
UPRN: 100022752561

Premises licence

Regulation 33, 34

Premises licence number:

17/09346/LIPDPS

Original Reference:

17/02715/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Real Ale Ltd  
4 Formosa Street  
London  
W9 1EE

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Sale by Retail of Alcohol**

Monday:	10:00 to 22:00 (Off Sales)
Tuesday to Sunday:	10:00 to 21:30 (Off Sales)
Monday:	12:00 to 21:00 (On Sales)
Tuesday to Sunday:	12:00 to 21:30 (On Sales)

**The opening hours of the premises:**

Monday:	10:00 to 21:30
Tuesday to Sunday:	10:00 to 22:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Real Ale Ltd  
8 Old Lodge Place  
Twickenham  
Middlesex  
TW1 1RQ

Registered number of holder, for example company number, charity number (where applicable)

05223891

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Timothy Peyton

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 09/01923/laper

Licensing Authority: Bath And North East Somerset District Council

Date: \_\_\_\_\_ 6 SEPTEMBER 2017 \_\_\_\_\_

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

### Annex 3 – Conditions attached after a hearing by the licensing authority

9. There shall be effective management and training of all staff on at least an annual basis in the sale of alcohol in order to meet the requirement of the Licensing Act 2003 and to provide such records of training to an authorised council officer on request.
10. There shall be a notice on the shop front showing the normal hours of opening and closing, to which licensed activities are permitted.
11. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
12. Management will encourage customers to move on from the premises and not cause nuisance both during opening hours and also once the premises have closed.
13. An appropriate cigarette receptacle will be installed outside of the premises to keep cigarette litter to a minimum.
14. The sale of alcohol for consumption on the premises shall at all times be ancillary to the premises remaining a specialist craft beer retail shop (selling alcohol for consumption off the premises).
15. There shall be no bar servery within the basement area.
16. There shall be no tables and chairs placed outside the premises.
17. The number of persons permitted to consume alcohol in the premises at any one time (excluding staff) shall not exceed 20 persons, with no more than 8 persons on the ground floor at any one time.
18. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only and to persons seated.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. The external door shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that



this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

27. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
35. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
36. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
37. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
38. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
39. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

40. On sales of beers above 5.5% ABV (alcohol by volume) shall only be sold in ½ or ⅓ pint glasses only.
41. There shall be no self-service of alcohol for consumption on the premises.
42. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
43. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**Annex 4 – Plans**

Attached



City of Westminster

Schedule 12  
Part B

WARD: Little Venice  
UPRN: 100022752561

Premises licence  
summary

Regulation 33, 34

Premises licence number:

17/09346/LIPDPS

Part 1 – Premises details

Postal address of premises:

Real Ale Ltd  
4 Formosa Street  
London  
W9 1EE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Monday:	10:00 to 22:00 (Off Sales)
Tuesday to Sunday:	10:00 to 21:30 (Off Sales)
Monday:	12:00 to 21:00 (On Sales)
Tuesday to Sunday:	12:00 to 21:30 (On Sales)

The opening hours of the premises:

Monday:	10:00 to 21:30
Tuesday to Sunday:	10:00 to 22:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Real Ale Ltd  
8 Old Lodge Place  
Twickenham  
Middlesex  
TW1 1RQ

**Registered number of holder, for example company number, charity number (where applicable)**

05223891

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Timothy Peyton

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** \_\_\_\_\_ 6 SEPTEMBER 2017 \_\_\_\_\_

**This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.**

## **Appendix 5**

### *CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

#### **Conditions: On Current Licence -**

##### **Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the

- period in which the responsible person is authorised to sell or supply alcohol), or
        - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
      - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
      - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
      - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
      - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club



present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. There shall be effective management and training of all staff on at least an annual basis in the sale of alcohol in order to meet the requirement of the Licensing Act 2003 and to provide such records of training to an authorised council officer on request.

10. There shall be a notice on the shop front showing the normal hours of opening and closing, to which licensed activities are permitted.

11. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.

12. Management will encourage customers to move on from the premises and not cause nuisance both during opening hours and also once the premises have closed.

13. An appropriate cigarette receptacle will be installed outside of the premises to keep cigarette litter to a minimum.

14. The sale of alcohol for consumption on the premises shall at all times be ancillary to the premises remaining a specialist craft beer retail shop (selling alcohol for consumption off the premises).

15. There shall be no bar servery within the basement area.

16. There shall be no tables and chairs placed outside the premises.

**The applicant has applied for condition 16 to be removed from the operating schedule.**

17. The number of persons permitted to consume alcohol in the premises at any one time (excluding staff) shall not exceed 20 persons, with no more than 8 persons on the ground floor at any one time.
18. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only and to persons seated.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. The external door shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

**The applicant has applied for condition 23 to be removed from the operating schedule.**

24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.

**The applicant has applied for condition 24 to be removed from the operating schedule.**

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

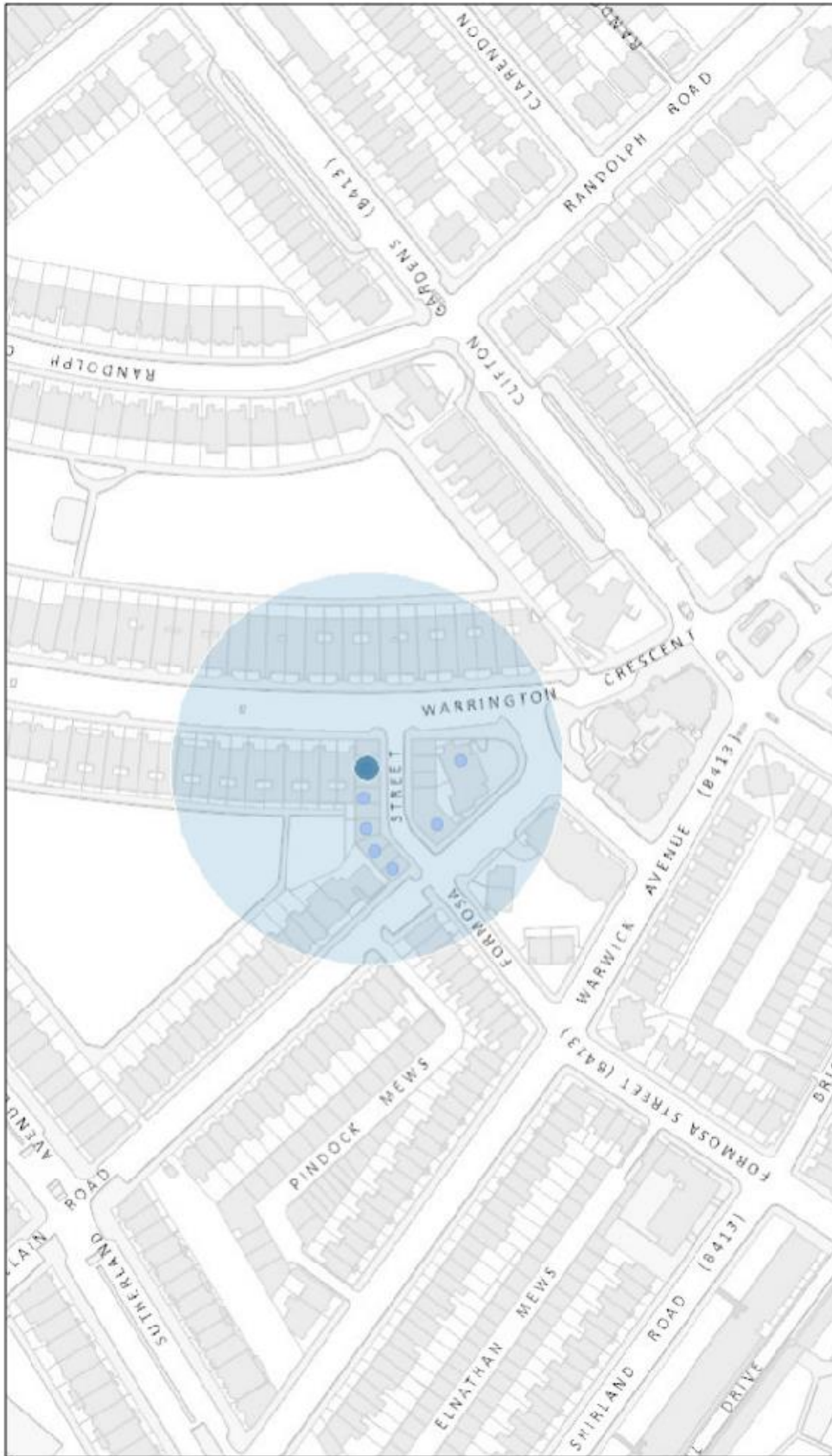
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
35. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
36. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
37. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
38. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

39. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
40. On sales of beers above 5.5% ABV (alcohol by volume) shall only be sold in ½ or ⅓ pint glasses only.
41. There shall be no self-service of alcohol for consumption on the premises.
42. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
43. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**Conditions proposed by Environmental Health**

44. All tables and chairs shall be removed from the outside area by 21:00 hours each day.

**4 Formosa Street**



October 17, 2018

● Live Licensing Act

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Resident count = 268

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Time Period</b>
17/09346/LIPDPS	Real Ale Ltd	4 Formosa Street London W9 1EE	Monday; 10:00 - 21:30   Tuesday to Sunday; 10:00 - 22:00
16/00829/LIPDPS	The Red Pepper Restaurant	8 Formosa Street London W9 1EE	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
09/02209/LIPRW	Dhigs	12 Formosa Street London W9 1EE	Monday to Sunday; 06:00 - 21:00
18/06343/LIPT	Amoul Deli	14 Formosa Street London W9 1EE	Monday to Sunday; 08:30 - 23:00
18/01814/LIPDPS	Prince Alfred Public House	5A Formosa Street London W9 1EE	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:30
18/03140/LIPDPS	Colonnade Hotel	2 Warrington Crescent London W9 1ER	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:30
18/02695/LIPV	Formasina	18 Formosa Street London W9 1EE	Friday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:30